

REMARKS

Status of the Claims

Claims 2-27 are currently pending. Applicant seeks to cancel withdrawn claims 12-21 and 23-25 and pending claim 11. Claims 2 and 3 have been amended to incorporate the limitations of claim 11. Claims 26 and 27 have been amended to conform with proper antecedent basis. New claims 28-34 have been added. Support for these claims can be found in the original preliminary amendment in claims 112-114, and 132-135. Accordingly, no new matter has been amended with these amendment.

Amendments to the Specification

Pages 29 and 30 have been amended to provide the appropriate sequence identifiers in Figures 29-35 and 37 in the "Brief Description of the Drawings."

Double Patenting

On page 3 of the Office Action, claims 2-11 and 22 remain rejected on the grounds of non-statutory obviousness-type double-patenting as being unpatentable over certain claims in U.S. 7,033,782.

On page 4 of the Office Action, claims 2-11 and 22 remain rejected on the grounds of non-statutory obviousness-type double-patenting as being unpatentable over certain claims in U.S. 6,740,503.

On page 5 of the Office Action, claims 2-11, 22, 26, and 27 remain rejected on the grounds of non-statutory obviousness-type double-patenting as being unpatentable over certain claims in U.S. 6,623,958.

On page 5 of the Office Action, claims 2-11, 22, 26, and 27 remain rejected on the grounds of non-statutory obviousness-type double-patenting as being unpatentable over certain claims in U.S. 6,602,686.

On page 7 of the Office Action, claims 2-11 and 22 remain provisionally rejected on the grounds of non-statutory obviousness-type double-patenting as being unpatentable over certain claims in U.S. 10/331,329.

Without acquiescing in the propriety of these rejections, Applicants file herewith an appropriate Terminal Disclaimer in compliance with 37 C.F.R. 1.321 (c) or 1.32(d).

Although not cited by the Examiner, Applicants also include U.S. 7,316,923 and U.S. Application No. 11/218,378 in the Terminal Disclaimer.

On page 8 of the Office Action, the Examiner advises the Applicants that if claim 2 be found allowable, claim 3 will be objected to as being a substantial duplicate. Applicants respectfully point out that the scope of the two claims is different. Claim 2 recites that there is splicing from the splice donor whereas claim 3 does not require this. Accordingly, the claims are not substantial duplicates because they are of different scope.

Conclusion

Applicants believe that payment of \$70 for one Terminal Disclaimers is due with this submission. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account 20-0809. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,



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March 10, 2009
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